

August 7, 2006

Darrol Johnson
President
Johnson Professional Floor Service
3470 N.W. 194th Street
Miami, FL 33056

RE: INQUIRY 06-114

Dear Mr. Johnson:

I received your request for an advisory opinion. You requested an opinion regarding whether you may contract with Miami-Dade County to provide services.

In your letter, you advised the Commission that you are the President Of Johnson Professional Floors. Johnson Professional Floors is seeking CBE certification from the Department of Business Development and is seeking to contract with the county to provide services. You are a Correctional Officer with the Department of Corrections and Rehabilitation.

The Department of Business Development may certify Johnson Professional Floor Service, Inc. You may also contract with Miami-Dade County as long as you do not contract with the Corrections Department. Section 2-11.1 (d) provides that "Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee as defined in subsection (b)(6) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and

faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract requirements or awarding the contract, and 3) the employee's job responsibilities and job description will not require him or her to be involved in the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

Therefore, you may contract with any county department but the Department of Corrections. However, you must obtain prior departmental approval for company work and annually report company work as outside employment.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594.

Sincerely Yours,

ARDYTH WALKER
Staff General Counsel